IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1459 of 2005

Between:

1. Mohd Saber S/o late Mohd Mahmood,
R/o H. No. 19-3-294/10/7, Near Babu Mian ki Hotel, Main Road, Fatima Nagar, Vaddepally, Hyderabad.
2 Sajida Begum W/o Mohd Saber,
R/o H. No. 19-3-294/10/7, Near Babu Mian ki Hotel, Main Road, Fatima Nagar, Vaddepally, Hyderabad.
3 Rizwana Begum W/o Mohd Farooq
R/o H. No. 19-3-294/10/7, Near Babu Mian ki Hotel, Main Road, Fatima Nagar, Vaddepally, Hyderabad.
4 Shahida Begum W/o Syed Ishraq Hussain,
R/o H. No. 19-3-294/10/7, Near Babu Mian ki Hotel, Main Road, Fatima Nagar, Vaddepally, Hyderabad.

...PETITIONERS

AND

1 The Commissioner of Police, Hyderabad, having Office at Basheerbagh, Hyderabad.
2 Station House Officer, Police Station,
Falaknuma, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order, direction or Writ particularly in the nature of Writ of Mandamus declaring the inaction on the part of the respondents being police officers in not taking legal action against the culprits named be petitioners in their complaint, dated 27-01-05 as highly illegal and in violation of the constitutional mandates since it is

the duty of the police to protect the life and property of the citizens. Consequently this Hon'ble Court may be pleased to direct the respondents to take immediate legal action against the persons named in the complaint filed by the petitioners on 27-1-05 in accordance with law.

Counsel for the Petitioner:MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondent Nos.1 and 2 : GP FOR HOME

The Court at the admission stage made the following :

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ORDER:

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The grievance of the petitioners is that though they submitted a complaint on 27-01-2005 against certain individuals before the 1st respondent, no action has been taken thereon. The petitioners allege that they are the rightful owners of the plots admeasuring 200 sq.yards each at Vaddepally Village, Fatima Nagar, Hyderabad and certain persons named in the complaint were trying to grab the said plots.

Heard learned counsel for the petitioners and the learned Government Pleader for Home.

If the interference with the rights of the petitioners over the lands in question is civil in nature, they have to approach the competent Civil Court for necessary relief. On the other hand, if the nature of interference attracts any provision of I.P.C., the petitioners would be justified in filing the complaint.

Even in a case, where the police does not act in response to a complaint submitted by a citizen, it is not as if there is no remedy. Section 200 Cr.P.C enables the citizens to approach the concerned Magistrate directly and in such event, necessary steps can be taken.

Therefore, the writ petition is disposed of, leaving it open to the petitioners either to file a suit in a Civil Court or to make a compliant under Section 200 Cr.P.C before the concerned Magistrate. There shall be no order as to costs.

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vs/avs 07-02-2005

To

1 The Commissioner of Police,
Basheerbagh, Hyderabad.
2 Station House Officer, Police Station,
Falaknuma, Hyderabad.

3 Two C.Cs to the G.P. for Home, High Court Buildings,
Hyderabad (OUT).

4 2 CD copies

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